

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**BRENDA AKPAN;**

**Plaintiff,**

**VS.**

**UNITED STATES OF AMERICA;**

**Defendant.**

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**CIVIL CASE NO. 4:16-CV-2981**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE COURT:**

COMES NOW PLAINTIFF BRENDA AKPAN and complains of Defendant United States of America and for cause of action shows the following:

**PARTIES**

1. Plaintiff Brenda Akpan is an individual resident of Katy, Texas.
2. Defendant United States of America owns the vehicle that was driven by Tyrone Richardson.

**NOTICE**

3. On or about April 25, 2014, Plaintiff, by her original attorney, provided notice to Defendant United States of America of the claims herein sued upon by submitting written correspondence. Subsequently, Plaintiff provided a Standard Form 95 to the United States by mail on or about January 4, 2016. A second Standard Form 95 was sent via regular and certified mail to the

United State on or about March 11, 2016 and receipt of same has been acknowledged. Pursuant to the Federal Tort Claims Act, Plaintiff files this suit after the expiration of six months of receipt of Plaintiff's notice original notice.

#### **JURISDICTION AND VENUE**

4. This Court has jurisdiction in this case pursuant to the Federal Tort Claims Act, Title 28, U.S.C. 2674 because the United States of America is a Defendant herein.
5. Plaintiff's damages are in excess of the minimum jurisdictional limits of the Court.
6. Venue of this case is proper in the Houston Division of the Southern District of Texas because the incident made the basis of this suit occurred in Harris County, Texas, located within the boundaries of the Houston Division of the Southern District of Texas.

#### **FACTUAL BACKGROUND**

7. This lawsuit arises out of motor vehicle collision that occurred on or about April 15, 2014.
8. At the time and on the occasion in question, Plaintiff Brenda Akpan was driving southbound in the left lane of the 5400 block of Barker Cypress Road.
9. Tyrone Richardson was operating U.S. Postal Service Mail Carrier Van (Vehicle #1254044) and was headed eastbound and stopped at a stop sign at the 18200 block of River Sage Drive at the intersection of Barker Cypress Road. Tyrone Richardson pulled from the stop sign and struck As he exited the private drive, he struck the passenger side of Brenda Akpan's vehicle.

10. Tyrone Rischardson was driving a vehicle owned by the United States of America and was operating the vehicle at the direction of the United States of America and/or in the course and scope of his employment with the United States of America.
11. As a result of the collision, Plaintiff Brenda Akpan was injured and continues to suffer injuries and damages from this collision.

**CAUSES OF ACTION**

12. Plaintiff incorporates each and every allegation set forth in paragraph 7 – 11 as if set forth fully herein.
13. At the time of the incident in question, Defendant's driver, Tyrone Richardson, was operating his vehicle negligently. Specifically, Mr. Richardson had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Mr. Richardson breached that duty in one or more of the following respects:
- a. Failure to keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
  - b. Failure to keep an assured safe distance from Plaintiff's vehicle;
  - c. Failure to timely apply the brakes of his vehicle in order to avoid the collision in question;
  - d. Failure to turn his vehicle in an effort to avoid the collision;
  - e. Failure to yield the right of way to Plaintiff; and
  - f. Failure to control his vehicle.

14. Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

#### **DAMAGES**

15. As a proximate result of Defendant's negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Physical pain and suffering in the past and future;
- d. Mental anguish in the past and future;
- e. Physical impairment in the past and future;
- f. Plaintiff's physical disfigurement in the past and future;
- g. Cost of suit;
- h. Post-judgment interest; and
- i. All other relief in law and in equity to which Plaintiff may be entitled.

#### **PRAYER**

16. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendant for:

- a. Plaintiff's past and future medical expenses, which are reasonable and customary for the medical care received by Plaintiff;

- b. Plaintiff's physical pain and suffering in the past and future;
- c. Plaintiff's mental anguish in the past and future;
- d. Plaintiff's physical impairment in the past and future;
- e. Plaintiff's physical disfigurement in the past and future;
- f. All costs of court;
- g. Interest on the judgment at the legal rate from the date of judgment;  
and
- h. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**HIGDON LAWYERS**



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